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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,578	09/14/2000	Gina C. Eubanks	SONY-50P3806	9174
7590 11/02/2005 Wagner Murabito & Hao LLP Two North Market Street Third Floor San Jose, CA 95113			EXAMINER DINH, KHANH Q	
			ART UNIT 2151	PAPER NUMBER
DATE MAILED: 11/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/661,578

Applicant(s)

EUBANKS, GINA C.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This is in response to the Remarks filed on 8/18/2995. Claims 1-30 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman et al., US pat. No.6,341,353 in view of Philyaw et al., U.S. pat. No.6,836,799.

As to claim 1, Herman discloses a computer-implemented method for facilitating a transaction between a subscriber (30 fig.2) and a vendor (70 fig.2) through an intermediary (Broker 40 fig.2), said method comprising the steps of:

receiving at said intermediary (40 fig.2) personal information from said subscriber to establish a user account and storing said personal information for subsequent access (using a registration form to identify user information, see fig.2, col.3 line 55 to col.4 line 38 and col.6 lines 2-31).

receiving at said intermediary a request from said subscriber to access (customer access) said user account, whereupon said subscriber's identity is verified by said intermediary against said personal information (validating users, see col.6 lines 32-63).

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responsive to successful verification of said subscriber's identity (determining if the transaction of user is valid), said intermediary conducting a transaction with said vendor on behalf of said subscriber pursuant to said subscriber's instruction, wherein said transaction is conducted utilizing information about said intermediary and notifying said subscriber upon completion of said transaction (issuing an OK or a rejection, see col.6 line 64 to col.7 line 67).

Herman does not specifically disclose a transaction is completed without disclosing personal information about a subscriber to a vendor. However, Philyaw discloses a transaction is completed without disclosing personal information about a subscriber to a vendor [transmitting user ID (1304 fig.13) associated with a user to other network server/device instead of user information, see fig.13, col.12 line 27 to col.13 line 21 and col.14 lines 13-62). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Philyaw's teachings into the computer system of Herman to monitor user interactions in the network because it would have allowed a network administrator/manufacture to place an advertisement in magazine or to place a product on a shelf at a particular time and to obtain users' demographics information in a relatively short time.

As to claim 2, Herman discloses preparing an account activity statement for said subscriber, wherein said account activity statement includes information about transactions completed through said user account during a statement period (see fig.7, col.8 line 19 to col.9 line 58).

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As to claim 3, Herman discloses receiving at said intermediary an item ordered from said vendor on behalf of said subscriber pursuant to said subscriber's instruction and billing said subscriber for services (processing customers' ID products) rendered (see fig.7, col.9 line 21 to col.10 line 54 and col.23 line 31 to col.24 line 53).

As to claims 4 and 5, Herman discloses notifying said subscriber upon receipt of said item and holding said item for pick-up by said subscriber and shipping said item to said subscriber specifying payment and shipping information (see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

As to claims 6 and 7, Herman discloses receiving at said intermediary a post-delivery request from said subscriber, said post-delivery request relating to said item and handling said post-delivery request on behalf of said subscriber and consisting of a return request, a repair request, an exchange request, a warranty submission request and a rebate request (see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

As to claim 8, Herman discloses maintaining at said intermediary rating information about said vendor and providing said rating information to said subscriber (see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

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As to claims 9 and 10, Herman discloses providing purchase financing to said subscriber in said transaction over the Internet (60 fig.2) (see fig.2, col.4 lines 7-61).

Claims 11-20 are rejected for the same reasons set forth in claims 1-10 respectively.

Claims 21-28 are rejected for the same reasons set forth in claims 1-7 and 10 respectively.

As to claim 29 and 30, Herman discloses transaction comprising of purchasing an item and a financial transaction (see col.17 lines 24-64 and col.46 lines 11-60).

### ***Response to Arguments***

4. Applicant's arguments filed on 8/18/2005 have been fully considered but they are not persuasive.

\* Applicant asserts that Philyaw does not disclose a transaction is completed without disclosing personal information about a subscriber to a vendor.

*Examiner respectfully disagrees. Philyaw discloses the applicant's claimed invention. For example, after a user profile was created, storing user profile in a profile database (1302 fig.13) and using only a associated ID of the user profile when connecting to a remote location throughout a communication network. Specifically, Philyaw discloses transmitting only a user ID (1304 fig.13) associated with a user profile to other network server/device instead of user profile information (see fig.13, col.12 line 27 to col.13 line 21 and col.14 lines 13-62) as rejected above. This is equivalent to what is claimed.*

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- Applicant asserts that neither Herman nor Philyaw discloses the intermediary conducts a transaction with a vendor on behalf of the subscriber pursuant to the subscriber instruction utilizing an account of the intermediary without disclosing the personal information about the subscriber to the vendor.

*Examiner respectfully points out that the combination of Herman and Philyaw discloses the Applicant's claimed limitations. For example, Herman discloses receiving personal information at said intermediary (40 fig.2) from said subscriber to establish a user account and storing said personal information for subsequent access (using a registration form to identify user information, see fig.2, col.3 line 55 to col.4 line 38 and col.6 lines 2-31) and validating users upon customer's access (see col.6 lines 32-63), determining if the transaction of user is valid and issuing an OK or a rejection for customer's transaction (see col.6 line 64 to col.7 line 67). Herman does not specifically disclose a transaction is completed without disclosing personal information about a subscriber to a vendor. However, Philyaw discloses a transaction is completed without disclosing personal information about a subscriber to a vendor [transmitting user ID (1304 fig.13) associated with a user to other network server/device instead of user information, see fig.13, col.12 line 27 to col.13 line 21 and col.14 lines 13-62). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Philyaw's teachings into the computer system of Herman to monitor user interactions in the network because it would have allowed a network administrator/manufacture to place an advertisement in magazine or to place a product*

*on a shelf at a particular time and to obtain users' demographics information in a relatively short time.*

*As a result, the cited prior art do discloses a system and method for the intermediary and the vendor directly conducts the transaction with each other without disclosing the personal information about the subscriber, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.*

### **Conclusion**

5. Claims 1-30 are rejected.
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh  
Patent Examiner  
Art Unit 2151  
10/26/2005



ZARNI MAUNG  
SUPERVISORY PATENT EXAMINER